

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA, et al.,	:	CASE NO.: 1:02-cv-00107
	:	
Plaintiffs,	:	JUDGE S. ARTHUR SPIEGEL
	:	MAGISTRATE HOGAN
v.	:	
	:	RESPONSE TO HILL
BOARD OF HAMILTON COUNTY COMMISSIONERS, et al.	:	REQUEST FOR REVIEW
	:	
Defendants.	:	

The City and County Defendants ("MSD") respond to Wardell Hill's Motion for Review (Doc #174) as follows:

1. The MSD investigated Mr. Hill's claim through the City of Cincinnati's claims office. The City of Cincinnati's Claims Administrator is Shirley Lenzly.
2. Ms. Lenzly responded to Mr. Hill's September 11, 2006 claim in a letter dated November 17, 2006. In the letter, Ms. Lenzly states that the MSD found that the obstructions that caused the back-ups were determined to be in the house lateral by MSD. (Attached as Exhibit A).
3. The MSD had investigated an incident that occurred on or about 4/01/2006. The MSD report indicates "no main sewer trouble" and that the customer's clean out was rodded with a spear cutter that "brought back female napkin." (Attached as Exhibit B)
4. Mr. Hill's letter references a letter from a plumber. The only letter from a plumber in the possession of this office indicates the plumber discovered baby wipes in the lateral. (Attached as Exhibit C).

6. The MSD does not maintain the customer's lateral. The customer's lateral is on private property and attaches to the public sewer. In this case, it appears to have been backed up by non-standard sewer debris.

7. Based on the MSD's investigation Ms. Lenzly denied the claim.

Accordingly, the MDS defendants respectfully request that Mr. Hill's Request for Review be denied.

Respectfully submitted,

**JULIA L. MCNEIL (0043535)
City Solicitor**

/s/ Terrance A. Nestor

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CERTIFICATE OF SERVICE

I hereby certify on June 13, 2007 a true and accurate copy of the foregoing Response was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Terrance A. Nestor

**Terrance A. Nestor (0065840)
Sr. Assistant City Solicitor**